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PATENT, TRADEMARK, COPYRIGHT
 AND UNFAIR COMPETITION LAW
 AND RELATED LITIGATION

EDMUND P. WOOD 1923-1968
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 EDWARD B. EVANS 1936-1971

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December 23, 2002

FACSIMILE COVER SHEET

To: Examiner Thomas A. Dixon
 Assistant Commissioner for Patents
 Washington, D.C. 20231

From: Scott A. Stinebruner
 Reg. No. 38,323

Fax: 703-305-7687

Re: U.S. Patent Application
 Serial No. 09/314,324
 Filed: May 19, 1999
 Applicant: William Joseph
 Armstrong et al.
 Art Unit: 3629
 Confirmation No.: 5010
 Our Ref: IBM/91

Enclosures:

Fax Cover Sheet containing Certificate
 of Facsimile Transmission
 Transmittal containing Certificate of
 Facsimile Transmission
 Amendment and Response

Pages: 14 (including cover sheet)

MESSAGE/COMMENTS
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GROUP 3600

CERTIFICATE OF FACSIMILE TRANSMISSION

I hereby certify that this correspondence and the enclosures noted herein (14 total pages) are being transmitted via facsimile transmission to Examiner Thomas A. Dixon, Assistant Commissioner for Patents, Washington, D.C. 20231 at 703-305-7687 on December 23, 2002.

Judith L. Volk
 Judith L. Volk

December 23, 2002
 Date

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PATENT
Att'y Docket No. IBM/91/124
Confirmation No. 5010

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Judith L. Volk
Judith L. Volk

December 23, 2002
Date

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: William Joseph Armstrong et al. Art Unit: 3629
Serial No.: 09/314,324 Examiner: Thomas A. Dixon
Filed : May 19, 1999
For : MANAGEMENT OF A CONCURRENT USE LICENSE IN A LOGICALLY-PARTITIONED COMPUTER

Box NON-FEE AMENDMENT
Assistant Commissioner for Patents
Washington, DC 20231

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AMENDMENT TRANSMITTAL

GROUP 3600

1. ☒ Transmitted herewith is an Amendment and Response.
2. ☐ Small Entity status of this application under 37 CFR 1.9 and 1.27 has been established by a verified statement previously submitted.
- ☐ Enclosed is a verified statement to establish Small Entity status
- ☒ Other than a Small Entity

3. The fee has been calculated as shown below:

CALCULATION OF FEES

Fec:	Number of Claims After Amendment:		Previously Paid For:	No. Extra:	At Rate:	Amount:
Total Claims	18	minus	20	0	\$18	\$0.00
Independent Claims	4	minus	4	0	\$84	\$0.00
MULTIPLE DEPENDENT CLAIM FEE					\$280	\$0.00
TOTAL FEE FOR CLAIMS:						\$0.00

- ☒ No additional fee for claims is required.

4. ☐ Attached is a check in the sum of \$_____ for additional claims.
☐ Please charge my Deposit Account No. 23-3000 in the amount of \$_____.
5. **The proceedings herein are for a patent application and the provisions of 37 CFR 1.136 apply. Complete (a) or (b) as applicable.**

- ☐ (a) Applicant petitions for an extension of time under 37 CFR 1.136 for the total number of months checked below:

	<u>Ext. Mos.</u>	<u>Large entity</u>	<u>Small entity</u>
<input type="checkbox"/>	one month	\$ 110.00	\$ 55.00
<input type="checkbox"/>	two months	\$ 400.00	\$ 200.00
<input type="checkbox"/>	three months	\$ 920.00	\$ 460.00
<input type="checkbox"/>	four months	\$1,440.00	\$ 720.00
<input type="checkbox"/>	five months	\$1,960.00	\$ 980.00

Extension fee due with this request:

\$_____

Method of Payment:

Check enclosed in the amount of \$_____

If an additional extension of time is required, please consider this a petition therefor.

(Check and complete the next item, if applicable)

- ☐ An extension for _____ months has already been secured and the fee paid thereof of \$_____ is deducted from the total fee due for the total months of extension now requested. Extension fee due with this request \$_____.

OR

- ☒ (b) **Applicant believes that no extension of time is required. However, this conditional petition is being made to provide for the possibility that applicant has inadvertently overlooked the need for a petition for extension of time.**
6. ☒ **If any additional fee for claims or extension of time is required, charge Account No. 23-3000.**

Respectfully submitted,

WOOD, HERRON & EVANS, L.L.P.

By:

Scott Stinebruner
Scott A. Stinebruner
Reg. No. 38,323

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Enclosed:

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Amendment and Response

PATENT

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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: William Joseph Armstrong et al. Art Unit: 3629
Serial No.: 09/314,324 Examiner: Thomas A. Dixon
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AMENDMENT AND RESPONSE

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GROUP 3600

Sir:

In reply to the Office Action dated September 26, 2002, the following amendments and remarks are provided:

AmendmentsIn the Claims

Please cancel claims 2 and 11 without prejudice.

Please amend claims 1, 6, 10, 12 and 18-19 to read as follows:

1. (Once Amended) A method of managing a concurrent use software license in a logically partitioned computer of the type including a plurality of logical partitions, each including an operating system resident therein, the method comprising:

(a) tracking concurrent uses of a computer program across the plurality of logical partitions in the logically partitioned computer using a partition manager accessible by the plurality of logical partitions; and

(b) with a license manager resident in a first logical partition among the plurality of logical partitions, accessing the partition manager in response to a request to use the computer program in the first logical partition and selectively denying the request to use the computer program in the first logical partition if permitting the requested use would violate a concurrent use software license associated with the computer program.